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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,793	11/15/2001	David M. Holbrook	HLB-1001-US	5294
32603	7590	09/01/2004	EXAMINER	
E RANDALL SMITH PC 2777 ALLEN PARKWAY SUITE 1000 HOUSTON, TX 77019			ALI, MOHAMMAD	
			ART UNIT	PAPER NUMBER
			2177	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,793

Applicant(s)

HOLBROOK, DAVID M.

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is in response to the amendment filed on June 23, 2004.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarka J. Miklos ('Miklos' hereinafter), USP 5,226,117 in view of Egger et al. ('Egger' hereinafter), USP 5,832,494.

With respect to claim 1,

Miklos discloses a method, for use in a user computer system including a pointing device and a visual display unit, for providing a graphical user interface to a computer program for displaying search results from a search conducted in a hierarchical data set (see col. 2, lines 19-23, Fig. 2), the method comprising:

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receiving search results from a search query of a hierarchical data set (see col. 4, lines 51-54, Miklos);

and displaying on a user screen, a graphical representation parent categories for search results (see col. 4, lines 46-48, Miklos) wherein the displayed search results appear within their respective parent categories (see col. 4, lines 5-8, Miklos, Fig. 2 et seq).

Miklos does not explicitly indicate the claimed hierarchical data set.

Egger discloses claimed receiving search results (the Graphical User Interface (GUI) Program may be used to display the results of the search on the display. The GUI is a user interface program. The GUI Program contains three main subroutines: Cases-In Display Subroutine (CIDS), Cases-After Display Subroutine (CADS) and Similar-Cases Display Subroutine (SCDS). The main subroutines receive information from the corresponding subroutines Cases-In, Cases-After and Similar-Cases of the CSPDM, see col. 5, lines 53-67).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the receiving search results of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

As to claim 2,

Miklos teaches further comprising: selecting a parent category from the display on the user screen (see col. 4, lines 5-8, Miklos); and

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displaying on the user screen a graphical representation of the search results in the selected parent category in the context of the search results respective first uncommon level of subcategories (see col. 2, lines 19-93, Miklos).

Miklos does not explicitly indicate the claimed subcategories.

Egger discloses the claimed subcategories (see col. 43, lines 30-34, Egger).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the subcategories of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

With respect to claim 3,

Miklos discloses a method of presenting search results, the method (see col. 4, lines 19-23), comprising:

receiving search results from a database (see col. 2, lines 25-28, Miklos);

organizing the search results by category (see col. 4, lines 46-49, Miklos);

and

graphically displaying the search results within at least one category icon, each at least one category icon representing a category to which search results belong (see col. 4, lines 51-54, Fig. 2, Miklos).

Miklos does not explicitly indicate the claimed receiving search results.

Egger discloses claimed receiving search results (the Graphical User Interface (GUI) Program may be used to display the results of the search on the

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display. The GUI is a user interface program. The GUI Program contains three main subroutines: Cases-In Display Subroutine (CIDS), Cases-After Display Subroutine (CADS) and Similar-Cases Display Subroutine (SCDS). The main subroutines receive information from the corresponding subroutines Cases-In, Cases-After and Similar-Cases of the CSPDM, see col. 5, lines 53-67).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the receiving search results of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

As to claim 4,

Miklos teaches, further comprising: representing the search results displayed within the at least one category icon as category member icons (see col. 4, lines 46-47, Miklos).

As to claim 5,

Miklos teaches further comprising: distinguishing between categories to which the displayed category member icons belong by at least one of shape, color and sound (see col. 5, lines 5-8, Miklos).

Miklos does not explicitly indicate the claimed subcategories.

Egger discloses the claimed subcategories (see col. 43, lines 30-34, Egger).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references,

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because the subcategories of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

As to claim 6,

Miklos teaches further comprising: selecting a category member icon (see col. 5, lines 50-54, Miklos); and

generating a perceptible excerpt relating to the selected category member icon comprising at least one of textual, aural, imagery or video data (see col. 5, lines 16-20, Miklos).

As to claim 7,

Miklos teaches further comprising: representing the search results as a number appearing within at least one the category icon, the number representing the quantity of data elements from the search results that fall within the category represented by the category icon (see col. 4, lines 45-50, Miklos).

As to claim 8,

Miklos teaches representing on the user screen, all data elements included within the search results (see col. 4, lines 5-8, Miklos).

As to claim 9,

Miklos teaches further comprising: providing a simple API comprising a category path and a URL for each data element (see col. 3, lines 23-25, Miklos).

As to claim 10,

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Miklos teaches farther comprising: displaying explicit hierarchical downward path information of a selected data element (see col. 3, lines 23-25, Miklos).

As to claim 11,

Miklos teaches further comprising: changing the appearance of a category member icon after the at least one data element represented by the category member icon has been accessed (see col. 5, lines 5-8, Miklos).

As to claim 12,

Miklos teaches further comprising: drilling out from a selected category member icon to directly access the at least one data element represented by the selected category member icon(see col. 5, lines 5-8, Miklos).

As to claim 13,

Miklos teaches further comprising: drilling downto display subcategories for a selected category (see col. 4, lines 45-50, Miklos).

Miklos does not explicitly indicate the claimed subcategories.

Egger discloses the claimed subcategories (see col. 43, lines 30-34, Egger).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the subcategories of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

As to claim 14,

Miklos teaches further comprising: Zooming in to displayed category member icons (see col. 5, lines 50-55, Miklos);

Enlarging the display space larger than the user display (see col. 5, lines 65-67, Miklos); and

Scanning category member icons across the user screen (see col. 5, lines 53-54, Miklos).

As to claim 15,

Miklos teaches wherein the size of the at least one category icon is proportional to the number of search results within the category,... (see col. 5, lines 50-56, Miklos).

As to claim 16,

Miklos teaches further comprising: accessing a category icon (see col. 5, lines 50-56, Miklos);

changing the appearance,... (see col. 4, lines 45-48, Miklos).

As to claim 17,

Miklos teaches further comprising: Deriving the numerical relevance rank for a search result (see col. 5, lines 50-56 et seq, Miklos)

and Displaying the search,... (see col. 5, lines 50-56, Miklos).

With respect to claim 18,

Miklos discloses a method of presenting search results, (see col. 5, lines 50-56 and Abstract, Miklos) comprising:

receiving search results from a database,... (see col. 5, lines 50-56, Miklos);

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organizing the search results by category (see col. 5, lines 50-56, Miklos);
graphically displaying,... (see col. 5, lines 50-56 and Abstract, Miklos);
representing each search results,...(see col. 4, lines 51-54, Miklos);
distinguishing between categories to which the displayed category
member icons by at least one of shape, color and sound (see col. 5, lines 50-56
and Abstract, Miklos); and

from at least one parent,.... (see col. 4, lines 51-54 and Abstract, Miklos)

Miklos does not explicitly indicate the claimed receiving search results.

Egger discloses claimed receiving search results (the Graphical User Interface (GUI) Program may be used to display the results of the search on the display. The GUI is a user interface program. The GUI Program contains three main subroutines: Cases-In Display Subroutine (CIDS), Cases-After Display Subroutine (CADS) and Similar-Cases Display Subroutine (SCDS). The main subroutines receive information from the corresponding subroutines Cases-In, Cases-After and Similar-Cases of the CSPDM, see col. 5, lines 53-67).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the receiving search results of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

Miklos does not explicitly indicate the claimed subcategories.

Egger discloses the claimed subcategories (see col. 43, lines 30-34, Egger).

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It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the subcategories of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

With respect to claim 19,

Miklos discloses a method of presenting search results (see col. 5, lines 50-56, Fig. 2, Miklos), comprising:

- receiving search results from a database (see col. 4, lines 51-54, Miklos);
- organizing the search results by category (see col. 5, lines 50-56, Miklos);
- graphically displaying a three-dimensional representation the search results within at least one category icon (see col. 11, lines 4-21), the category icon representing a category to which search results belong, wherein the downward paths to a search result is implied by graphical positioning of search results within a category icon (see col. 2, lines 2-15 and col. 7, lines 28-44 et seq);

- representing the search results displayed within the category icon as category member icons (see col. 5, lines 50-56 and Abstract, Miklos);

- distinguishing between categories to which the displayed category,... (see col. 5, lines 50-56 and Abstract, Miklos).

Miklos does not explicitly indicate the claimed receiving search results.

Egger discloses claimed receiving search results (the Graphical User Interface (GUI) Program may be used to display the results of the search on the

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display. The GUI is a user interface program. The GUI Program contains three main subroutines: Cases-In Display Subroutine (CIDS), Cases-After Display Subroutine (CADS) and Similar-Cases Display Subroutine (SCDS). The main subroutines receive information from the corresponding subroutines Cases-In, Cases-After and Similar-Cases of the CSPDM, see col. 5, lines 53-67).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the receiving search results of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

Miklos does not explicitly indicate the claimed subcategories.

Egger discloses the claimed subcategories (see col. 43, lines 30-34, Egger).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the subcategories of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

With respect to claim 20,

Miklos discloses method of requesting the display of search results based on the category paths of the search results (see col. 5, lines 50-56, Miklos), the method comprising:

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under control of a client system, displaying a search request window (see col. 5, lines 50-56, Fig. 2, Miklos); and

in response to the entry and selection of a search request, sending the search request to a server system (see col. 5, lines 50-56, Miklos, Fig. 3);

under control of the server system, receiving the request, having the search conducted by a search engine (see col. 4, lines 46-49, Miklos);

writing GUI script software capable of generating every potential arrangement of matching web sites in the context of their respective parent category and subcategories (see col. 5, lines 50-56, Miklos);

and downloading the GUI script software to the browser software on the client system (see Abstract, Miklos);

under control of the client system, displaying matching....in the context of their respective parent categories, and upon the user selecting, with a selection device, a parent category (see col. 4, lines 40-46 et seq, Miklos), displaying the matching,... of the selected parent category in the context of their respective first uncommon level of subcategories (see col. 5, lines 50-56, Miklos).

Miklos does not explicitly indicate the claimed receiving search results.

Egger discloses claimed receiving search results (the Graphical User Interface (GUI) Program may be used to display the results of the search on the display. The GUI is a user interface program. The GUI Program contains three main subroutines: Cases-In Display Subroutine (CIDS), Cases-After Display Subroutine (CADS) and Similar-Cases Display Subroutine (SCDS). The main

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subroutines receive information from the corresponding subroutines Cases-In, Cases-After and Similar-Cases of the CSPDM, see col. 5, lines 53-67).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the receiving search results of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

Miklos does not explicitly indicate the claimed subcategories.

Egger discloses the claimed subcategories (see col. 43, lines 30-34, Egger).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention to have combined the cited references, because the subcategories of Egger's teachings would have allowed Miklos's system graphically displays search results with a user interface, as suggested by Egger at col. 1, lines 13-15 et seq.

Remarks

4. Combination of references teaches the claimed invention as argued by the applicants.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Mohammad Ali

Patent Examiner

AU 2177

MA

August 30, 2004